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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEVEN J. GREENSTEIN, an individual,

Plaintiff,

vs.

WELLS FARGO BANK, N.A. F/K/A
WELLS FARGO HOME MORTGAGE,
INC., DOES 1-20; and ROE ENTITIES 1-
20,

Defendants.

CASE NO. 2:14-cv-01457-APG-CWH

**STIPULATION AND ORDER FOR
EXTENSION OF DISCOVERY PLAN
AND SCHEDULING ORDER**

(FIRST REQUEST)

Pursuant to Local Rules 26-4 and 6-1, the parties hereby submit the following Stipulation and Order for Extension of Discovery Plan and Scheduling Order to extend certain deadlines set forth by this Court in its October 28, 2014 Order by approximately 90 days, as follows:

I. CURRENT DATES AND REQUESTED EXTENSIONS

1. Discovery Cut-off Date(s):

Current Date: July 14, 2015

Requested Extension: **October 12, 2015**

2. Amended Pleadings and Adding Parties:

Current Date: April 15, 2015

Requested Extension: **None**

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3. **Last Date to Complete Initial Expert Disclosures:**

Current Date: May 15, 2015

Requested Extension: **None**

4. **Last Date to Complete Rebuttal Expert Disclosures:**

Current Date: June 15, 2015

Requested Extension: **None**

5. **Last Date to File Dispositive Motions:**

Current Date: August 13, 2015

Requested Extension: **November 11, 2015**

6. **Interim Status Report:**

Current Date: May 15, 2015

Requested Extension: **None**

7. **Joint Pretrial Order:**

Current Date: September 14, 2015

Requested Extension: **December 14, 2015**

In the event that dispositive motions are filed, the parties stipulate that the date for filing the joint pretrial order shall be suspended until 30 days after decision of the dispositive motions or further order of the Court.

8. **Other Items:**

(a) **Deposition Notice.** Parties shall provide Wells Fargo with at least sixty (60) days notice of any deposition of Wells Fargo's person most knowledgeable, or any other employee, representative, or agent of Wells Fargo identified for any deposition in this matter.

(b) **Protective Order.** In addition to this proposed discovery plan and scheduling order, the parties have executed a protective order in order to protect the disclosure of confidential design documents and other confidential proprietary information, including, but not limited to confidential financial and marketing information.

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(c) Extension or Modification. In accordance with Local Rule 26-4, a request for extension or modification of this stipulation and order shall be filed and served no later than twenty-one (21) days before the expiration cutoff date. (LR 26-4).

II. STATEMENT OF FACTS

Plaintiff's Complaint asserts claims for breach of contract, breach of the covenant of good faith and fair dealing, and fraud concerning a loan on the Subject Property, commonly referred to as 3765 Pacific Street, Las Vegas, Nevada 89121. Plaintiff filed this lawsuit in Clark County District Court on August 13, 2014. Plaintiff served Wells Fargo with a copy of the summons and complaint on August 21, 2014. On September 10, 2014, Wells Fargo removed the case to this court.

III. REASONS FOR THE REQUESTED EXTENSION

Pursuant to Local Rule 6-1, the parties submit that good cause exists for the short extension requested above for the following reasons:

The parties have diligently exchanged discovery in the early stages of this case, but Plaintiff has been out of the country from November 15, 2014 to late May 2015. Upon his return, Plaintiff underwent two surgeries that could not be rescheduled. He is still recovering from surgery. In light of these events, Plaintiff's deposition has been postponed and cannot be complete before the current discovery deadline. In light of the above, the parties believe the requested extension is both justified and reasonable as it will result in a total discovery period of just one (1) year from the date the parties' held their Rule 26(f) conference.

In accordance with Local Rule 26-4, this request for an extension of the discovery plan has been filed and served no later than twenty-one (21) days before the expiration cutoff date.

IV. STATUS OF DISCOVERY EFFORTS TO DATE

The parties have been actively engaged in discovery in this case. Specifically, the parties have completed the following discovery:

- The parties attended the initial FRCP 26(f) conference on October 14, 2014.
- The parties exchanged their initial FRCP 26(a)(1) disclosures on October 28, 2014.
- Wells Fargo served its first set of supplemental disclosures on November 17, 2014.

- Wells Fargo served its second set of supplemental disclosures on January 22, 2015.
- Wells Fargo served its first set of discovery requests on May 5, 2015.
- Plaintiff responded to Wells Fargo's first set of discovery requests on June 11, 2015.
- Plaintiff served his first set of discovery requests on June 12, 2015.

V. DISCOVERY REMAINING

The parties anticipate, at a minimum, needing to complete the following additional discovery:

- Additional written discovery, including interrogatories, requests for production and requests for admission;
- Plaintiff's deposition;
- Deposition of Stanley Greenstein, Plaintiff's father;
- Deposition of Penny Mabel Motty Greenstein, Plaintiff's wife ;
- Deposition of Wells Fargo employees and former employees involved in processing Plaintiff's loan and loan modification requests;
- Deposition of Wells Fargo's corporate representative(s);
- Additional fact witness depositions.

VI. CONCLUSION

Good cause exists to extend the case management deadlines in this case. This extension is not sought simply to delay. To the contrary, the parties have diligently engaged in discovery since participating in their Rule 26 discovery planning conference. Despite the parties' efforts, however, the current discovery deadlines do not allow sufficient time to complete the discovery that must be accomplished, especially in light of Plaintiff's extended stay outside the country and recent surgeries.

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Accordingly, the parties respectfully request that the Court grant their request to extend certain deadlines as set forth above.

DATED this 24th day of June, 2015.

SNELL & WILMER L.L.P.

HURTIK LAW & ASSOCIATES

By: /s/ Holly E. Cheong

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Attorneys for Plaintiff
STEVEN J. GREENSTEIN

ORDER

IT IS SO ORDERED.

DATED: June 25, 2015


UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by:

SNELL & WILMER L.L.P.

By: /s/ Holly E. Cheong

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CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **STIPULATION AND ORDER FOR EXTENSION OF DISCOVERY PLAN AND SCHEDULING ORDER (FIRST REQUEST)** by the method indicated:

_____	U.S. Mail
_____	U.S. Certified Mail
_____	Facsimile Transmission
_____	Overnight Mail
_____	Federal Express
_____	Hand Delivery
<u> X </u>	Electronic Filing

and addressed to the following:

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DATED June 24, 2015

/s/ Maricris Williams

An Employee of Snell & Wilmer L.L.P.